

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

James Robert Rice, #10091-056,) C.A. #4:05-3078-PMD
)
Petitioner,)
)
vs.) <u>ORDER</u>
)
John J. LaManna,)
)
Respondent.)
)

On March 1, 2006, this court issued an Order dismissing this case without prejudice and without requiring respondent to file a return due to petitioner's failure to file objections to the Magistrate Judge's Report and Recommendation by February 27, 2006. Further, on March 1, 2006, the clerk of court's office received and filed petitioner's "Objection to Report and Recommendation," which had been mailed by petitioner on February 25, 2006. It appears that petitioner's objections are therefore timely, and the court will consider them. Now therefore,

IT IS HEREWITH ORDERED that this court's Order filed on March 1, 2006, dismissing this case is herewith vacated, and this matter is herewith reinstated for consideration of petitioner's objections to the Report and Recommendation.

AND IT IS SO ORDERED.



PATRICK MICHAEL DUFFY
United States District Judge

Charleston, South Carolina
March 2, 2006